REMARKS

In response to the pending Office Action, claims 1-8 are pending with claim 1 being independent. Claim 1 has been amended. Support for the present amendments may be found in the application at, for example, page 13, line 19 to page 15, line 12 and in FIG. 11. No new matter has been introduced.

For the reasons set forth below, Applicants respectfully submit that all pending claims as currently amended are patentable over the cited prior art.

Double Patenting

Claims 1-8 were rejected on the ground of nonstatutory obviousness-type double patenting as being patentable over claims 1-17 of copending Application Number 10/624,481. Additionally, claims 1-8 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of copending Application Number 10/654,084.

Applicants submit that claim 1, as amended, is patentably distinct from the copending Application Numbers 10/624,481 and 10/654,084. Therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejection – 35 U.S.C. § 102

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,970,565 ("Rindsberg"). Applicants traverse the 102(e) rejection of claim 1 for at least the following reasons.

As amended, claim 1 recites a method for updating an inherent key-encrypted program in a system including an LSI device and an external memory, the inherent key-encrypted program being generated by encryption with an inherent key unique to the LSI device and being stored in

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the external memory. The method includes, among other steps, (*i*) <u>a step of transmitting by the</u> <u>system an ID of the LSI device and an application ID which is identification information of an</u> <u>update object program to a server, (*ii*) a step of determining by the server whether or not the</u> <u>update object program may be transmitted based on the transmitted ID and application ID, and</u> <u>transmitting by the server additional information of the update object program if it is determined</u> <u>that the update object program may be transmitted, and (*iii*) a step of determining by the system</u> <u>whether or not program update is possible based on the transmitted additional information, and</u> <u>requesting by the system to the server to transmit a common key-encrypted program generated</u> <u>by encryption with a common key if it is determined that program update is possible.</u>

Applicants respectfully assert that Rindsberg fails to describe or suggest at least the above-recited steps of claim 1. Rindsberg discloses a method for securely downloading and installing patch data in a plurality of computing devices, each computing device having a processor, program memory and patch memory. Rindsberg at col. 4, lines 41-45. The method comprises the steps of (a) transmitting the patch data to the computing devices over a nonsecure channel in an encrypted manner utilizing a first key, (b) receiving first encrypted patch data at a computing device and decrypting the first encrypted patch data utilizing the first key so as to generate clear patch data, (c) verifying the integrity of the contents of the clear patch data, and (d) if the verification passes, encrypting the clear patch data using a second key and storing the resultant second encrypted patch data in a data memory.

The method further includes steps of (e) retrieving the second encrypted patch data in a data memory, (f) decrypting the second encrypted patch data using the second key so as to generate clear patch data and (g) loading the clear patch data into the patch memory and executing the contents thereof.

As shown, none of these steps appear to include the steps of (*i*) <u>transmitting by the system an ID of the LSI device and an application ID which is identification information of an update object program to a server, (*ii*) determining by the server whether or not the update object program may be transmitted based on the transmitted ID and application ID, and transmitting by the server additional information of the update object program if it is determined that the update object program may be transmitted, and (*iii*) determining by the system whether or not program update is possible based on the transmitted additional information, and requesting by the system to the server to transmit a common key-encrypted program generated by encryption with a common key if it is determined that program update is possible,</u> as recited in claim 1 (emphasis added).

Anticipation under 35 U.S.C. § 102 requires that "each and every element as set forth in the claims is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). For the reasons set forth above, the cited prior art does not appear to disclose expressly or inherently the above-recited features. Therefore, Applicants respectfully request that the 102(e) rejection of claim 1 and its dependent claims be withdrawn.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claim 1 is allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In

addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
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